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Written statement* submitted by Reporters Without Borders International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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An alarming deterioration of journalists' safety

In December 2013, after journalists Claude Verlon and Ghislaine Dupont were killed in Mali, the United Nations General Assembly condemned *"all attacks and violence against journalists and media workers...in both conflict and non-conflict situations."*

Six months later, another French journalist, Camille Lepage, a well-known young photographer, was gunned down in the performance of her duties. Having gone to the Central African Republic to document the lives of people victimized by the fratricidal war there, she was found dead on 13 May 2014.

Her murder illustrates the insecure conditions faced by professional and amateur journalists and news media assistants, despite various United Nations resolutions. At least 19 journalists have been killed so far this year.

THE HECATOMB OF NEWS PROVIDERS DURING ARMED CONFLICTS

Despite Security Council 1738 which states that *"Journalists, media professionals and associated personnel...in areas of armed conflict shall be considered as civilians."* and that *"attacks intentionally directed against civilians...in situations of armed conflict constitute war crimes"*, news providers are increasingly a favourite target for all sides of the conflicts.

The situation in Syria is catastrophic. The country is today the most dangerous in the world for journalists. RWB estimates that at least 155 journalists and citizen-journalists have been killed since the conflict began in 2011, with 17 killed so far this year.

In the Democratic Republic of the Congo, Kennedy Germain Mumbere Muliwavyo, a journalist for *Radio Télévision Muungano d'Oïcha* was killed on 16 February 2014 in Beni during an attack by Ugandan rebels from ADF-Nalu. Two journalists with him were wounded during the fighting.

PEACEFUL DEMONSTRATIONS DO NOT GUARANTEE ANY PROTECTION

In March 2014, in Resolution 25/38 on peaceful demonstrations, the Human Rights Council expressed its concern about *"the number of attacks targeting...journalists in the context of peaceful protests."* The Council demanded that *"all States...pay particular attention to the safety of journalists and media workers covering peaceful protests, taking into account their specific role, exposure and vulnerability."*

Reporters Without Borders regularly expresses its fears for the safety of journalists covering demonstrations, given the violence and intimidation which continues to be directed against them. Though the Resolution is an important contribution to journalists' security, it remains insufficient and a mechanism to monitor its implementation has become crucial.

- In Brazil, 107 deliberate attacks on news professionals have been registered, from May, 2013, when the protest movement began, through April 2014.
- In Cambodia on 1 May 2014, at least three journalists were brutally mistreated by security forces during an opposition rally.
- In Colombia, police attacked four journalists, although they had shown press credentials, during May Day demonstrations in Medellin this year.

- In Egypt, two journalists suffered bullet wounds on 14 April 2014 while covering the violent crackdown on a pro-Morsi student demonstration at Cairo University.

- In Turkey, during May Day demonstrations this year, at least 12 journalists were wounded and one was arrested.

- In Ukraine on 9 April 2014, journalists from the *NTN* and *Ukraina* networks were set upon by pro-Russian demonstrations in front of security agency offices in Lugansk. Three days later, a cameraman from *LOT*, a local network, was struck in the head in the same location under similar circumstances.

THE ROLE OF NON-STATE ACTORS

The United Nations General Assembly, in Resolution 68/163 on the security of journalists expressed concern *"at the threat to safety of journalists posed by non-State actors, including terrorist groups and criminal organizations."*

- In India on 14 January, the offices of the *Samaj* newspaper, which had published images of the Prophet Mohammed, were attacked by fundamentalist groups in several cities in the state of Odisha (Orissa).

- In Mexico, journalist Gregorio Jiménez de la Cruz was found dead on 11 February 2014. He had been covering crime news for local newspapers and had been kidnapped six days earlier by an armed group.

- In Pakistan on 17 January 2014, 3 employees of the *Express News* TV network were murdered in Karachi by a Taliban group.

HARASSMENT BY THE POLICE AND JUDICIARY

In many countries, investigative journalists are targets harassment by the police and the when they seek to disclose sensitive information in spite of the Human Rights Council Resolution 25/38 of the Human Rights Council which specifically called upon States to *"avoid the abuse and civil proceedings or threats of such acts at all times."*

- In Cuba, journalist Juliet Michelena Díaz was arrested on 7 April 2014, three days before the internet publication of an article reporting police violence in Havana. She is charged with "terrorism."

- In China, at last 21 journalists and 71 netizens are currently imprisoned. On 23 April 2014, Gao Yu, a noted journalist, disappeared. She had expressed concern about threats from state security officers. After she was held in secret for one week, the government's *CCTV* network broadcast in early May an alleged confession. Since May, 2014, journalist and activist Wu Wei, a former editor at the *South China Morning Post,* has been missing. According to some sources, she was arrested by Beijing police. The security services are making an increasing number of kidnapping-style arrests of this kind as the anniversary of the Tiananmin Square events approaches.

- In Somalia in February, 2014, intelligence service personnel held the director of *Radio Danan,* Mohamed Bare, for several days. They tortured and threatened to kill him if he did not stop reporting on the government.

THE REIGN OF IMPUNITY

According to GA Resolution 68/163 *"Impunity for attacks against journalists constitutes one of the main challenges to strengthening the protection of journalists."*

- In Pakistan, 63 journalists have been killed since 2002. The only case in which those responsible have been brought to justice is that of American journalist Daniel Pearl, decapitated on 1 February 2002 in Karachi.

- In Russia, where 32 journalists have been killed since 2002, impunity prevails in most cases. In one notorious case, the murderers of journalist Anna Politkovskaya still have not been brought to justice.

DIGITAL INSECURITY

In the digital age, journalist security is more than a physical issue. Governments today have at their disposal a wide range of tools to monitor, identify, censor and punish journalists and netizens who circulate online information some States would prefer not to make public. In a series of analytical reports (A/66/290; A/HRC17/27; A/HRC23/40), the Special Rapporteur on the Freedom of Opinion and Expression has consistently affirmed that the Freedoms applying offline apply also online. Nevertheless, the new digital landscape has exponentially increased risks for newsproviders.

- In Ethiopia in 2014, the Information Network Security Agency tracked journalists as far away as the United States using spy software from Hacking Team, an Italian company that Reporters Without Borders designated as an "Internet Enemy" in 2013.

- In the United Kingdom and the United States, intelligence agencies have spied on the communications of several million local and foreign citizens, many journalists among them, and have deliberately introduced security faults in equipment that relays internet search requests.

RECOMMENDATIONS

In order to promote greater respect for the safety of journalists, Reporters Without Borders recommends:

To the UNGA:

- **The appointment of a special adviser to the Secretary General on the issue of journalists' safety.** Appointed by the Secretary General, this official would be in charge of monitoring and regulating member States' observance of Security Council Resolution 1738.

To the international community:

- **The Amendment of Article 8 of the International Criminal Court statutes on war crimes,** to specifically define the mounting of deliberate attacks on journalists, media workers and their assistants as war crimes.

- **The adoption of a binding international agreement regulating the export of internet surveillance technology** that includes controls of the export of anti-freedom technology and an independent monitoring system made up of all stakeholders, including civil society, able to inflict effective sanctions on violators

To the HRC

- **The expansion of member States' obligation to 'respect and protect' to all newsproviders** through an appropriate Human Rights Council Resolution.

- **The establishment of effective human rights mechanisms and measures for information workers forced to flee their countries,** such as alert mechanisms and contact persons in national and regional OHCHR office working closely with UNHCR to immediately identify and protect newsproviders facing extreme threats.

- **The strengthening of the mandate of the United Nations Working Group on the Issue of Human Rights and Transnational Corporations,** especially by authorizing it to receiving individual complaints and to investigate individual cases of human rights violations linked to these companies.